

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICKEY ESCAMEA,

Plaintiff,

v.

Case No. 05-C-949

IRON WORKERS LOCAL #8 and
GILBERT TOSLEK,

Defendants.

ORDER

Plaintiff Mickey Escamea's complaint states that he was discriminated against by a union because he is an American Indian. He has filed a letter requesting appointment of counsel, claiming he has tried but has been unable to hire a lawyer to represent him given his lack of adequate financial resources. This request will be denied. Indigent civil litigants have no constitutional or statutory right to be represented by counsel in federal court. *McKeever v. Israel*, 689 F.2d 1315 (7th Cir. 1982). Although the court has the power to request an attorney to represent an indigent litigant, the decision is a discretionary one. *Jackson v. County of McLean*, 953 F.2d 1070, 1071 (7th Cir. 1992). The question boils down to this: "given the difficulty of the case, [does] the plaintiff appear to be competent to try it himself and, if not, would the presence of counsel [make] a difference in the outcome?" *Farmer v. Haas*, 990 F.2d 319, 322 (7th Cir.1993); *see also Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004).

The facts alleged here present themselves as a standard discrimination situation where one individual (the plaintiff) is harmed because of the discriminatory animus of others. This is not the sort of case that poses much difficulty or factual complexity. It does not require expert testimony or elaboration of complex legal theories, and the plaintiff appears to be competent to proceed on his own. Accordingly, the request to appoint counsel is denied.

SO ORDERED.

Dated this 17th day of November, 2005.

s/ William C. Griesbach
William C. Griesbach
United States District Judge